

# EXHIBIT A

Case Caption: **ALICE STEINERT - v. - RONALD LEV MD et al**

Judge Name:

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS + COMPLAINT	Processed	03/16/2018	Young, C.
2	AFFIRMATION/AFFIDAVIT OF SERVICE Aff of Service for Advanced Varicose Vein Treatments of Manhattan	Processed	03/26/2018	Young, C.
3	AFFIRMATION/AFFIDAVIT OF SERVICE Aff of Service for Ronald Lev MD	Processed	03/26/2018	Young, C.
4	ANSWER Verified Answer	Processed	04/03/2018	Decker, S.
5	STIPULATION - TIME TO ANSWER Stipulation to Extend Responsive Pleading Deadline	Processed	04/27/2018	Pariser, D.
6	AFFIRMATION/AFFIDAVIT OF SERVICE Cynosure	Processed	05/18/2018	Young, C.
7	AFFIRMATION/AFFIDAVIT OF SERVICE Advanced Varicose Vein	Processed	05/18/2018	Young, C.
8	AFFIRMATION/AFFIDAVIT OF SERVICE Dr Lev	Processed	05/18/2018	Young, C.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS****Index No.:**-----X  
**ALICE STEINERT,****SUMMONS****Plaintiff,****Plaintiff designates KINGS  
County as the place of trial****-against-****Basis of venue is:****RONALD LEV, M.D., ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN, and CYNOSURE,  
INC.****Plaintiff's residence****Defendants.**  
-----X**Plaintiff's Address:****1869 83<sup>rd</sup> St. # 4K,  
Brooklyn, New York 11214****TO THE ABOVE NAMED DEFENDANTS:**

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff's attorneys within 20 days after service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

**DATED: NEW YORK, NEW YORK  
March 16, 2018**

Yours, etc.,

BY: **CHAD YOUNG****LAW OFFICE OF CHAD YOUNG**

Attorneys for Plaintiff

225 Broadway, Suite 1803

New York, NY 10007

(212) 468-5540

**TO: RONALD LEV, M.D.  
111 John Street, Suite 1450  
New York, NY 10038**

ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN  
111 John Street, Suite 1450  
New York, NY 10038

CYNOSURE, INC.  
5 Carlisle Road  
Westford, MA 01886

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
**ALICE STEINERT,**

**Index No.:**

***Plaintiff,***  
**-against-**

**VERIFIED COMPLAINT**

**RONALD LEV, M.D., ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN, and CYNOSURE,  
INC.**

***Defendants.***  
-----X

Plaintiff, by her attorneys, LAW OFFICE OF CHAD YOUNG, complaining of the  
Defendants, respectfully state and allege, upon information and belief:

**AS AND FOR THE FIRST CAUSE OF ACTION FOR MEDICAL MALPRACTICE**

1. At all times hereinafter mentioned, Plaintiff **ALICE STEINERT** was and still is an individual who resided and still resides in the County of Kings, City and State of New York, maintaining a residence at 1869 83<sup>RD</sup> Street, #4, Brooklyn, New York 11214.
2. The action falls within one or more of the exemption set forth in CPLR § 1602.
3. Upon information and belief, at all times hereinafter mentioned, Defendant **RONALD LEV, M.D.** (hereinafter referred to as “defendant **LEV**”) was and still is a physician licensed to practice medicine within the State of New York.
4. Upon information and belief, Defendant **LEV** represented to the public, and to **ALICE STEINERT** in particular, that he was competent to perform and render all the medical care, treatment, services and advice required to **ALICE STEINERT**.
5. Upon information and belief, at all times hereinafter mentioned, Defendant **LEV** was

employed by defendant **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**.

6. At all times mentioned herein, and upon information and belief, the defendant, **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, was and still is a domestic corporation organized and existing under and by virtue of the Laws of the State of New York.
7. That at all times hereinafter mentioned, and upon information and belief, the defendant, **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, was and still is a foreign corporation authorized to do business under and by virtue of the Laws of the State of New York.
8. That at all times hereinafter mentioned, and upon information and belief, the defendant, **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, maintained a principal place of business in the County of New York, State of New York.
9. That at all times hereinafter, Defendant **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, received federal funding and support in the form of Medicare and Medicaid.
10. That at all times hereinafter, Defendant **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, was subject to compliance with state and federal laws, federal statutes, and federal guidelines.
11. Upon information and belief, on or about September 1, 2015, **ALICE STEINERT** presented to defendant(s) **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN and LEV** for medical treatment, and was admitted for medical

treatment.

12. Upon information and belief, on or about December 17, 2015, and January 14, 2016 defendant(s) **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN and LEV** negligently performed medical procedure(s) on **ALICE STEINERT**, causing **ALICE STEINERT** to suffer an injury.
13. Upon information and belief, the defendants continued to treat **ALICE STEINERT** for the sequelae that resulted therefrom.
14. That from on or about September 1, 2015, plaintiff **ALICE STEINERT** was under the professional care of defendant **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, their agents, servants, and employees.
15. That from on or about September 1, 2015, plaintiff **ALICE STEINERT** was under the profession care of defendant **LEV**.
16. That from on or about December 17, 2015, **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** owned, operated, managed, maintained and controlled a medical facility known as **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** located at 111 John Street, Suite 1450, New Yok, NY 10038.
17. That from on or about December 17, 2015, **LEV** owned, operated, managed, maintained and controlled a medical facility known as **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** located at 111 John Street, Suite 1450, New Yok, NY 10038.
18. Defendant **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, at said medical facility, held itself out as duly qualified and capable of rendering

adequate care and treatment to the public and for such purposes hired doctors, nurses, pharmacists, physicians, attendants, physical therapists, and other personnel.

19. Plaintiff **ALICE STEINERT** relied upon the advice and care of the defendant(s) **LEV** and **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, their agents, servants and employees, and upon their knowledge, skill and representations that she would be adequately cared for.
20. Plaintiff **ALICE STEINERT** continuously submitted herself to the care and treatment of the defendants **LEV** and **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, their agents and employees from on or about September 1, 2015 to on or about February 9, 2016.
21. That the care and treatment rendered by defendants **LEV** and **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, their agents, servants and employees, nurses, was improper, negligent, and given in a careless manner.
22. That defendants **LEV** and **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** their agents, servants, and employees, failed to employ the skill, care and diligence commonly and ordinarily possessed by, and required of physicians, nurses, aides and physician's assistants in the community, and to use their best judgment in the care and treatment of the plaintiff **ALICE STEINERT**.
23. That defendants **LEV** and **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, their agents, servants and employees, failed to treat and care for plaintiff decedent **ALICE STEINERT** in accordance with the standards of care and treatment generally accepted in the community; departed from good and accepted medicine and nursing practice; departed from the standard of care in the medical and



nursing community in the care and treatment of the plaintiff; failed to use in their care and treatment of the plaintiff, approved methods in general use and skill and to use their best judgment in the care and treatment of the plaintiff **ALICE STEINERT**.

24. That the aforesaid occurrence was caused solely and wholly and by the negligence of defendants their agents, servants and employees in, negligently and carelessly failing to treat and care for plaintiff **ALICE STEINERT** in a careful and skillful manner; negligently and carelessly failing to treat plaintiff in accordance with good and accepted medical customs, practices and standards; in causing, permitting and allowing her medical condition to deteriorate and worsen; negligently and carelessly failed to treat the condition from which plaintiff was suffering; and negligently and carelessly rendering preoperative, operative and postoperative care, by negligently administering contraindicated medication to plaintiff **ALICE STEINERT** and failing to recognize and prevent said administration.
25. That the foregoing was caused without any negligence on the part of plaintiff contributing thereto.
26. That as a result of the foregoing, plaintiff **ALICE STEINERT** was rendered sick and disabled; suffered severe injuries both internal and external; was caused to be confined to her bed for a lengthy period of time; suffered from severe pain and mental anguish; was compelled to seek medical care and attention.
27. That by reason of the foregoing negligence on the part of the defendants, the plaintiff has been damaged in an amount that exceeds the jurisdiction of all lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION FOR LACK OF INFORMED  
CONSENT**

28. Plaintiff repeats and re-alleges each and every allegation set forth above with the same force and effect as though set forth herein at length.
29. Defendants, their agents, servants and employees, failed to inform **ALICE STEINERT** of the reasonably foreseeable risks and benefits of, and alternatives to, the treatment proposed and rendered, which would have been disclosed by reasonable medical practitioners in similar circumstances, in consequence of which Defendants failed to obtain an informed consent thereto.
30. A reasonably prudent person in Plaintiff's position would not have undergone the treatment and diagnosis rendered herein if she had been fully informed, and/or would have requested other treatment or transfer to another facility.
31. The lack of informed consent alleged herein is a proximate cause of the injuries, conditions and disabilities for which recovery is sought.
32. By reason of the deviations and departures from accepted standards of medical care, **ALICE STEINERT** suffered pain, discomfort, anxiety.
33. By reason of the above, **ALICE STEINERT** sustained damages, both general and special, in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE**

34. Plaintiff repeats and re-alleges each and every allegation set forth above with the same force and effect as though set forth herein at length.
35. At all times mentioned herein, and upon information and belief, the defendant,

**CYNOSURE, INC.**, was and still is a domestic corporation organized and existing under and by virtue of the Laws of the State of New York.

36. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, was and still is a foreign corporation authorized to do business under and by virtue of the Laws of the State of New York.
37. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, has sufficient contact with the State of New York.
38. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, did significant business in the State of New York.
39. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, had significant contacts in the State of New York.
40. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, does significant marketing to customers in the State of New York.
41. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, engages in interstate commerce in the State of New York.
42. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, had minimum contacts with the State of New York.
43. That at all times hereinafter mentioned, and upon information and belief, the defendant, **CYNOSURE, INC.**, employed sales staff in the State of New York.
44. Defendant **CYNOSURE, INC.** manufactures and sells laser body sculpting machines to physicians and medical offices.

45. Defendant **CYNOSURE, INC.** manufactures and sells Smartlipo machines to physicians and medical offices.
46. Prior to December 17, 2015, defendant **CYNOSURE, INC.**, sold a laser body sculpting machine to defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, to be used on the general public.
47. Prior to December 17, 2015, defendant **CYNOSURE, INC.**, sold a laser body sculpting machine to defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, to be used on patients.
48. Prior to December 17, 2015, defendant **CYNOSURE, INC.**, sold a Smartlipo machine to defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN**, to be used on patients.
49. Defendant **CYNOSURE, INC.** carelessly and negligently failed to properly train and educate defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** on how to properly use the equipment they sold.
50. Defendant **CYNOSURE, INC.** carelessly and negligently failed to properly train and educate defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** on how to properly use the equipment they sold.
51. Defendant **CYNOSURE, INC.** carelessly and negligently failed to properly train and educate defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** regarding the appropriate types of patients the equipment was indicated for.

52. Defendant **CYNOSURE, INC.** carelessly and negligently failed to properly train and educate defendant(s) **LEV** and/or **ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN** on the risk and possible complications of using the equipment sold.
53. Defendant **CYNOSURE, INC.** careless and negligent training and education alleged herein is a proximate cause of the injuries, conditions and disabilities for which recovery is sought.
54. By reason of the careless and negligent training and education alleged herein, **ALICE STEINERT** suffered pain, discomfort, anxiety, and injury.
55. By reason of the above, **ALICE STEINERT** sustained damages, both general and special, in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, plaintiff, demands judgment against the defendants on all causes of action, together with the costs and disbursements of these actions.

**DATED:** **NEW YORK, NEW YORK**  
**March 16, 2018**

BY: 

**Chad Young, Esq.**  
**LAW OFFICE OF CHAD YOUNG**  
**Attorneys for Plaintiff**  
225 Broadway, Suite 1803  
New York, NY 10007  
(212) 468-5540

**ATTORNEY'S VERIFICATION**

**CHAD YOUNG**, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

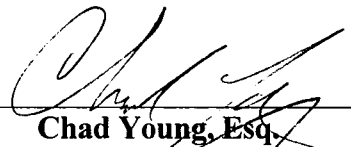
I am the principal and owner of LAW OFFICE OF CHAD YOUNG, attorneys of record for Plaintiff.

I have read the annexed **SUMMONS & COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff is not presently in the county wherein the attorneys for the plaintiff maintain their offices.

**DATED:**      *New York, New York*  
                 *March 16, 2018*

BY



**Chad Young, Esq.**  
**LAW OFFICE OF CHAD YOUNG**  
**Attorneys for Plaintiff**  
225 Broadway, Suite 1803  
New York, NY 10007

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
**ALICE STEINERT,**

**Index No.:**

*Plaintiff,*  
**-against-**

**CERTIFICATE  
PURSUANT TO  
CPLR 3012 (a)**

**RONALD LEV, M.D., ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN, and CYNOSURE,  
INC.**

*Defendants.*  
-----X

CHAD YOUNG, an attorney duly admitted to practice before the courts of this State, and principal owner of LAW OFFICE OF CHAD YOUNG, attorneys for Plaintiff, affirms the following to be true under penalties of perjury:

The undersigned, attorney for Plaintiff declares that,

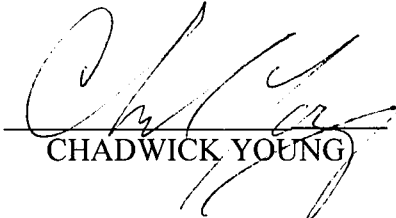
  x   I have reviewed the facts of the case and have consulted with a physician who is licensed to practice in this State and who I reasonably believe is knowledgeable in the relevant issues involved in this action, and I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this action.

       I was unable to obtain the consultation required by CPLR Section 3102-a(a)(1) because a limitation of time established by CPLR Article 2 would bar the action, and the certificate required by CPLR Section 3012-a(a)(1) could not reasonably be obtained before such time expired. The certificate required shall be filed within ninety days after service of the complaint.

       I intend to rely solely on the doctrine of "res Ipsa loquitur" and for that reason I am not filing the certificate required by CPLR Section 3012-a(a)(1).

       I was unable to obtain a consultation required by CPLR Section 3012-a(a)(1) because I have made three separate good faith attempts, with three separate physicians, dentists or podiatrists to obtain such consultation and none of those contacted would agree to such consultation.

Dated:           New York, N.Y.  
                  March 16, 2018

  
CHADWICK YOUNG

SUPREME COURT STATE OF NEW YORK

COUNTY OF KINGS

INDEX NO.:

YEAR: -

ALICE STEINERT,

Plaintiffs,

-against-

RONALD LEV, M.D., ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN, and CYNOSURE,  
INC.,

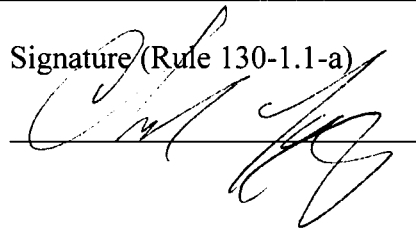
Defendants.

## SUMMONS AND COMPLAINT

LAW OFFICE OF CHAD YOUNG  
Attorney(s) for Plaintiff  
Office and Post Office Address, Telephone  
225 Broadway, Suite 1803  
New York, NY 10007  
(212)468-5540  
(917)677-8828

To :

Signature (Rule 130-1.1-a)



Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated: 3-16-18



ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

-against-

Purchased: March 16, 2018

Date Filed:

RONALD LEV M.D., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

KELVI A FRIAS BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on March 22, 2018 at 10:42 AM at

111 JOHN STREET SUITE 1450  
NEW YORK, NY10038



deponent served the within true copy of the SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING on ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN, the defendant/respondent therein named,

**CORPORATION** by delivering thereat a true copy of each to MS. PREA personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING as said defendant/respondent and knew said individual to be GENERAL AGENT thereof.


Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	BROWN	BLACK	24	5'5	120

The Summons Served had endorsed thereon the Index number and date of filing.

Sworn to me on: March 22, 2018

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2018

  
Robin Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2021

Gotham Process Inc.  
299 Broadway  
New York NY 10007



**KELVI A FRIAS**

License #: 1232446

Docket #: \*1066952\*

ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

-against-

Purchased: March 16, 2018

Date Filed:

RONALD LEV M.D., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

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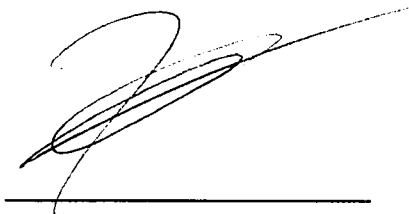
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ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

Purchased: March 16, 2018

Date Filed:

-against-

RONALD LEV M.D., ETAL

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NEW YORK, NY 10038



deponent served the within true copy/copies of the SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING on RONALD LEV M.D., the defendant/respondent therein named,

**SUITABLE AGE**

by delivering thereat a true copy/copies of each to MS. PREA a person of suitable age and discretion. Said premises is the defendant's/respondent's actual place of business within the state. She identified herself as the CO-WORKER of the defendant/respondent.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BLACK	24	5'5	120

**MAILING**

Deponent enclosed a true copy/copies of same in a postpaid wrapper properly addressed to the defendant/respondent at the defendant's/respondent's actual place of business at

111 JOHN STREET SUITE 1450  
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on March 22, 2018 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.

**MILITARY SERVICE**

Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

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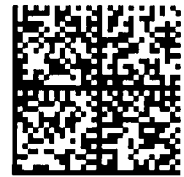
**KELVI A FRIAS**  
License #: 1232446  
Docket #: \*1066949\*

ALICE STEINERT  
Plaintiff(s)  
-against-  
RONALD LEV M.D., ETAL  
Defendant(s)  
Index #: 505377/2018  
Purchased: March 16, 2018  
Date Filed:

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STATE OF NEW YORK: COUNTY OF NEW YORK ss:

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**SUITABLE AGE** by delivering thereat a true copy/copies of each to MS. PREA a person of suitable age and discretion. Said premises is the defendant's/respondent's actual place of business within the state. She identified herself as the CO-WORKER of the defendant/respondent.

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Qualified in New York County  
Commission Expires August 1, 2018  
  
Robin Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2021

Gotham Process Inc.  
299 Broadway  
New York NY 10007

**KELVI A FRIAS**  
License #: 1232446  
Docket #: \*1066949\*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

ALICE STEINERT,

Index No : 505377/2018

Plaintiff,

**VERIFIED ANSWER**

-against-

RONALD LEV, M.D., ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN, and CYNOSURE,  
INC.

Defendants.

**C O U N S E L O R S :**

Defendant, **RONALD LEV, M.D.** by his attorneys, **GORDON & SILBER, P.C.**,  
answering the plaintiff's Verified Complaint, alleges, upon information and belief, as  
follows:

**FIRST:** Denies the allegations contained in paragraphs: "2", "12", "21", "22",  
"23", "24", "26", "27", "29", "30", "31", "32" and "33".

**SECOND:** Denies knowledge or information sufficient to form a belief as to  
paragraph: "1", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44" and "45".

**THIRD:** Denies upon information and belief and respectfully refers all  
questions of law and fact to judge and jury paragraphs: "4", "5", "6", "7", "8", "9", "10",  
"11", "13", "14", "15", "16", "17", "18", "19", "20", "25", "46", "47", "48", "49", "50", "51",  
"52", "53", "54" and "55".

**FOURTH:** Repeats and reiterates each admission or denial heretofore made  
in response to paragraph: "28" and "64".

**FIFTH:** Denies the allegations contained in paragraph "3" but admits that at  
all times mentioned in the Verified Complaint, the defendant, **RONALD LEV**, was

duly licensed to practice medicine in the State of New York.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

**SIXTH:** The Complaint fails to state one or more causes of action upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

**SEVENTH:** That any damages otherwise recoverable by the plaintiff shall be diminished in the proportion which the culpable conduct attributable to the claimant bears to the culpable conduct which caused the damages and/or injuries alleged.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

**EIGHTH:** That the cause of action seeking to recover for "lack of informed consent" is barred by the Statute of Limitations. The plaintiff has failed to state a cause of action to recover for "lack of informed consent."

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

**NINTH:** That the answering defendant acted in accordance with the appropriate provisions of Section §2805-d of the Public Health Law and relies on the defenses set out therein.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

**TENTH:** That in the event of any judgment or verdict on behalf of the plaintiff, the defendant is entitled to a set-off or verdict with respect to the amounts of any payments made to the plaintiff for medical and other expenses prior thereto.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

**ELEVENTH:** That the within action is barred by the applicable Statute of Limitations.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

**TWELFTH:** That if the plaintiff secures judgment against the answering defendant, and if the answering defendant is found to be 50% or less liable, then judgment against the answering defendant for non-economic loss, as defined in Article 16 of the Civil Practice Law and Rules, can only be had against the answering defendant to the extent the answering defendant is found to be liable.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

**THIRTEENTH:** The defendant pleads the provisions of Article 50 of the CPLR. That if plaintiff secures judgment against the answering defendant, then future damages, as defined in Article 50-B of the CPLR, shall be paid out in structured installments pursuant to Article 50-B of the CPLR.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

**FOURTEENTH:** The defendant asserts the defense of set-off to reduce the plaintiff's claims under §15-108 of the General Obligations Law.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

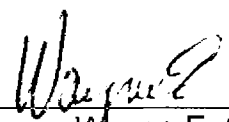
**FIFTEENTH:** Defendant invokes CPLR §4546 and demands that the amount of damages awarded, if any, be reduced accordingly.

**WHEREFORE**, the answering defendant demands judgment dismissing the Complaint herein, together with costs and further requests that, in the event that the plaintiff recovers, the relative responsibility of all defendants be determined and apportioned as amongst themselves.

Dated: New York, New York  
March 29, 2018

Yours, etc.,

**GORDON & SILBER, P.C.**

BY:   
Wayne E. Cousin  
Attorneys for Defendants  
**RONALD LEV, M.D.**  
355 Lexington Avenue, 7th Floor  
New York, New York 10017  
(212) 834-0600

TO: LAW OFFICE OF CHAD YOUNG  
Attorneys for Plaintiff  
225 Broadway, Suite 1803  
New York, New York 10007  
(212) 468-5540

ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN  
111 John Street, Suite 1450  
New York, New York 10038

CYNOSURE. INC.  
5 Carlisle Road  
Westford, MA 01886



**ATTORNEY VERIFICATION**

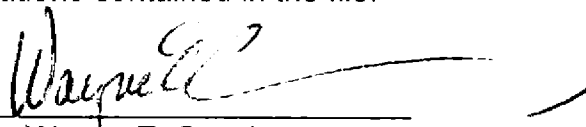
STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK )

**WAYNE E. COUSIN**, being duly sworn, deposes and says:

That he is the attorney for the defendant, **RONALD LEV, M.D.** in the above entitled action. That he has read the foregoing **ANSWER** and knows the contents thereof, and upon information and belief deponent believes the matters alleged therein to be true.

The reason this verification is being made by deponent and not the defendant is that the defendant resides outside the county wherein the attorney for the defendant has his office.

The source of deponent's information and the grounds of his belief are communications, papers, reports and investigations contained in the file.

  
\_\_\_\_\_  
Wayne E. Cousin

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK     }  
                                      }ss:  
COUNTY OF NEW YORK }

**Lucia A. Speer**, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Queens County, New York.

That on the 29<sup>th</sup> day of March, 2018 deponent served the within **VERIFIED ANSWER** upon:

LAW OFFICE OF CHAD YOUNG  
Attorneys for Plaintiff  
225 Broadway, Suite 1803  
New York, New York 10007  
(212) 468-5540


ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN  
111 John Street, Suite 1450  
New York, New York 10038

CYNOSURE, INC.  
5 Carlisle Road  
Westford, MA 01886

at the address designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in the official depository under the exclusive care and custody of the United States Post Office with the State of New York.

  
\_\_\_\_\_  
Lucia A. Speer

Sworn to before me this  
29<sup>th</sup> day of March, 2018

  
\_\_\_\_\_  
Notary Public

William L. Hahn  
Notary Public  
State of New York  
Qualified in New York County  
No. 02HAB189538  
Commission Expires on 08/09/2021

{G0344436}

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

---

ALICE STEINERT,

Index No.: 505377/2018

Plaintiff,

-against-

RONALD LEV, M.D., ADVANCED VARICOSE VEIN  
TREATMENTS OF MANHATTAN, and CYNOSURE,  
INC.

Defendants.

---

---

**VERIFIED ANSWER**

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**GORDON & SILBER, P.C.**

**Attorneys for Defendant**

**RONALD LEV, M.D.**

355 Lexington Avenue, 7th Floor  
New York, New York 10017  
(212) 834-0600

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

ALICE STEINERT,

Plaintiff,

v.

RONALD LEV, M.D., ADVANCED VARICOSE  
VEIN TREATMENTS OF MANHATTAN, AND  
CYNOSURE, INC.,

Defendants.

Index No. 505377/2018

**STIPULATION TO EXTEND  
RESPONSIVE PLEADING  
DEADLINE**

Plaintiff, ALICE STEINERT ("Plaintiff"), by and through her counsel Chad Young, Esq. of the Law Office of Chad Young, and Defendant CYNOSURE, INC. ("Cynosure"), by and through its counsel Daniel S. Pariser of the law firm of Arnold & Porter Kaye Scholer LLP, hereby stipulate and agree that the time for Defendant Cynosure to answer or to make any motion with relation to the summons or to the complaint in this action shall be extended 30 days to May 30, 2018.

Dated this 27<sup>th</sup> day of April, 2018.

**ARNOLD & PORTER KAYE  
SCHOLER LLP**

By: /s/ Daniel Pariser

Daniel S. Pariser  
ARNOLD & PORTER KAYE  
SCHOLER LLP  
601 Massachusetts Ave NW  
Washington D.C. 20001  
Tel: (202) 942-5000

*Attorneys for Defendant Cynosure, Inc.*

Dated this 27<sup>th</sup> day of April, 2018.

**LAW OFFICE OF CHAD YOUNG**

By: 

Chad Young  
LAW OFFICE OF CHAD YOUNG  
225 Broadway  
Suite 1803  
New York, NY 10007  
Tel: (212) 468-5540

*Attorneys for Plaintiff Alice Steinert*

Respectfully submitted by:

ARNOLD & PORTER KAYE SCHOLER

By: /s/ Daniel Pariser

Daniel S. Pariser  
ARNOLD & PORTER KAYE SCHOLER LLP  
601 Massachusetts Ave NW  
Washington D.C. 20001  
Tel: (202) 942-5000

*Attorneys for Defendant Cynosure, Inc.*

COUNTY OF KINGS  
ALICE STEINERT  
- against -  
RONALD LEV M.D., ETAL

Index # 505377/2018  
Plaintiff(s) Purchased March 16, 2018  
Date Filed:

Defendant(s)  
STATE OF Massachusetts : COUNTY OF Middlesex ss: AFFIDAVIT OF SERVICE

I, Clark W. Paige, Sr. BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES AT Ayer, MA ON 29 MAR 18 AT 3:20 AM/PM  
AT CYNOSURE, INC., 5 Carlisle Road, Westford, MA 01886  
DEPONENT SERVED THE WITHIN SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING  
ON: CYNOSURE, INC., THE DEFENDANT/RESPONDENT THEREIN NAMED.

#1 INDIVIDUAL By delivering a true copy of each to said defendant/respondent personally; deponent knew the person so served to be the person described as the defendant/respondent therein.  
#2 CORPORATION X A Senior Paralegal corporation, delivering thereat a true copy of each to Jean Della / personally, deponent knew said corporation so serviced to be the corporation, described in same as said defendant/respondent and knew said individual to be Chief Officer present thereof.  
#3 SUITABLE AGE PERSON By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is the defendant's/respondent's [ ] actual place of business [ ] dwelling house / usual place of abode within the state.  
#4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is the defendant's/respondent's [ ] actual place of business [ ] dwelling house / usual place of abode within the state.

#5 MAILING COPY On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of \_\_\_\_\_.  
Deponent was unable, with due diligence to find the defendant/respondent or a person of suitable age and discretion, having called thereat  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

#6 NON-SERVICE After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the defendant/respondent being served because of the following: [ ] party unknown at address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] No one ever in or available to accept service

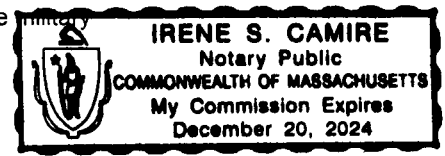
#7 DESCRIPTION X A description of the defendant/respondent, or other person served, or spoken to on behalf of the defendant/respondent is as follows:  
Description is required if #1, #2 or #3 above is Selected  

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
<u>female</u>	<u>white</u>	<u>blond</u>	<u>50</u>	<u>5'6"</u>	<u>150</u>

Other:  
#8 WIT. FEES \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the witness/recipient.

#9 MILITARY SERVICE Deponent asked person spoken to whether the defendant/respondent was in the military service of the United States Government or on active duty in the service in the State of Massachusetts and was informed the defendant/respondent was not.

The Summons Served had endorsed thereon the Index number and date of filing.



Sworn to before me on this 29th day of March 2018  
Notary Public Irene S. Camire  
Server signature: Clark W. Paige, Sr.  
Docket #: \*1066953\*

ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

-against-

Purchased: March 16, 2018

Date Filed:

RONALD LEV M.D., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

KELVI A FRIAS BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on March 22, 2018 at 10:42 AM at

111 JOHN STREET SUITE 1450  
NEW YORK, NY10038



deponent served the within true copy of the SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING on ADVANCED VARICOSE VEIN TREATMENTS OF MANHATTAN, the defendant/respondent therein named,

**CORPORATION** by delivering thereat a true copy of each to MS. PREA personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING as said defendant/respondent and knew said individual to be GENERAL AGENT thereof.


Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	BROWN	BLACK	24	5'5	120

The Summons Served had endorsed thereon the Index number and date of filing.

Sworn to me on: March 22, 2018

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2018

  
Robin Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2021

Gotham Process Inc.  
299 Broadway  
New York NY 10007



**KELVI A FRIAS**

License #: 1232446

Docket #: \*1066952\*

ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

-against-

Purchased: March 16, 2018

Date Filed:

RONALD LEV M.D., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

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**CORPORATION** by delivering thereat a true copy of each to MS. PREA personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING as said defendant/respondent and knew said individual to be GENERAL AGENT thereof.


Deponent further states that he describes the person actually served as follows:

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FEMALE	BROWN	BLACK	24	5'5	120

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License #: 1232446

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ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

Purchased: March 16, 2018

Date Filed:

-against-

RONALD LEV M.D., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

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That on March 22, 2018 at 10:42 AM at

111 JOHN STREET SUITE 1450  
NEW YORK, NY 10038



deponent served the within true copy/copies of the SUMMONS & VERIFIED COMPLAINT & NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING on RONALD LEV M.D., the defendant/respondent therein named,

**SUITABLE AGE**

by delivering thereat a true copy/copies of each to MS. PREA a person of suitable age and discretion. Said premises is the defendant's/respondent's actual place of business within the state. She identified herself as the CO-WORKER of the defendant/respondent.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BLACK	24	5'5	120

**MAILING**

Deponent enclosed a true copy/copies of same in a postpaid wrapper properly addressed to the defendant/respondent at the defendant's/respondent's actual place of business at

111 JOHN STREET SUITE 1450  
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on March 22, 2018 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.

**MILITARY SERVICE**

Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

The Summons Served had endorsed thereon the Index number and date of filing.

Sworn to me on: March 22, 2018

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**KELVI A FRIAS**  
License #: 1232446  
Docket #: \*1066949\*

ALICE STEINERT

Index #: 505377/2018

Plaintiff(s)

Purchased: March 16, 2018

Date Filed:

-against-

RONALD LEV M.D., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

KELVI A FRIAS BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

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NEW YORK, NY 10038



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**SUITABLE AGE**

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Deponent further states that he describes the person actually served as follows:

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FEMALE	BROWN	BLACK	24	5'5	120

**MAILING**

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111 JOHN STREET SUITE 1450  
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